

**TOWN OF DAVIE
REGULAR MEETING
JANUARY 15, 2003
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were: Mayor Venis, Vice-Mayor Clark, and Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. EASE Food Drive

No one was present.

3.2. Budget Advisory Committee - Status of Town Investments

David Brown, Chair, stated that the Budget Advisory Committee felt it was important for the Town to review the investment policy that was adopted in 1996. He indicated that the policy no longer conformed to Florida law and there were many opportunities to achieve a higher rate of return than what the Town was presently receiving. Mr. Brown outlined his views on the Town's long-term investments and indicated that the Town could look into making a change that would greatly benefit the Town. He urged Council to direct Mr. Willi to take immediate action.

Mayor Venis asked if the Town would be at risk by incorporating the Budget Advisory Committee's suggestions. Mr. Brown indicated that the Committee would not advocate increasing risk to the Town. Mayor Venis commended the Committee and felt the Town should proceed forward and indicated that he was in favor of Mr. Brown's suggestion. Councilmember Truex also felt the Town should pursue Mr. Brown's suggestion.

Council's consensus was to move forward with the recommendations of the Committee.

3.3. Community Redevelopment Agency

Wayne Arnold, Chair, spoke of the accomplishments of the Community Redevelopment Agency.

3.4. Development Community Meetings - Mark Kutney

Development Services Director Mark Kutney spoke of the quarterly development community meetings that were outlined in the Development Services Department's strategic plan. He stated that the first meeting would be on January 30th and staff would be on hand to talk about the cost recovery ordinance. The second meeting was scheduled for February 13th at Robbins Lodge and the topic would be the clearing and grubbing ordinance.

3.5. Davie Land Trust - Gail Sadore, President and CEO of the Martin County Regional Land Trust

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Ms. Sadore explained the purpose, benefits, and parameters of a land trust.

Councilmember Paul asked if there were any incentives for developers if they entered into a land trust with open space land. Ms. Sadore replied affirmatively.

Councilmember Paul asked if Council could give direction to staff to proceed to the next level with land trusts. Council gave staff direction to proceed.

3.6. Upcoming Special Events - Bonnie Stafiej and Dennis Andresky

Special Projects Director Bonnie Stafiej advised of the upcoming special events: Martin Luther King Jr. Picnic and Celebration at Potter Park (January 19th); 5 Star Rodeo (January 25th); Hollywood Dog Show Adult and Obedience Trials (February 1st-2nd); Tailwaggers Agility Trials (February 8th-9th); Appaloosa Horse Club Horse Show (February 15th-16th); Davie Community Theatre presentation of Twelve Angry Men (February 7th-15th); Orange Blossom Festival (February 22nd-23rd); and the Davie Women's Club Orange Cook Off (February 23rd).

Parks and Recreation Director Dennis Andresky advised of the upcoming events: after school program at Orange Park; Young-at-Art cultural program (January 21st); volleyball program; 55-Alive Defensive Driving course (February 24th-25th); dinner and dancing (February 12th); registration for in-line hockey, girl's softball fast-pitch, youth baseball (in progress); and sportsmanship training (January 16th & February 6th).

Mayor Venis advised that items 8.6 and 8.7 were requested to be tabled until February 19.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis indicated that item 7.20 needed to be added to the agenda.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

7.20 TU 1-2-03, Habitat for Humanity of Broward County, 3255 NW 75 Way

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 11.1 needed to be added to the agenda.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor advised that item 11.2 needed to be added to the agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

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4. MAYOR/COUNCILMEMBER'S COMMENTS (comments were provided at the end of the meeting)

MAYOR VENIS

OLD DAVIE SCHOOL. Mayor Venis indicated that the Old Davie School was seeking financial assistance from the Town and he asked that this be put on a future agenda.

GRIFFIN ROAD PLAZA ENTRANCE. Mayor Venis asked for an update on the westbound entrance for this property. Mr. Peters distributed the Florida Department of Transportation's (FDOT) plan which was approved in 2000. The document illustrated the conditions of the plaza and clearly displayed a "no access line" where the entrance was being proposed. Mr. Peters stated that "it would take an act of Congress to get a left turning lane" out of the Griffin Road Plaza. He indicated that FDOT was standing firm and would not negotiate.

Mr. Peters offered alternatives that would allow for better access and digress from the plaza via SW 82 Avenue. He stated that engineers were prepared to move forward and stated that the cost would be approximately \$38,000.

Mayor Venis suggested taking the documents to his meeting with Senator Ryan to see if something could be done and he would take signed petitions to Senator Burke. He asked that a meeting be set up with Senator Geller, as well.

GRANT RECEIVED. Mayor Venis reported that the Town had received a \$50,000 grant for emergency preparedness.

VICE-MAYOR CLARK

TRAFFIC CALMING WORKSHOP. Vice-Mayor Clark asked how the public would be notified about the workshop scheduled for January 23rd. Mr. Willi advised that staff would notify community groups along with placing the notice in the newspaper.

HOLSOM BREAD STORE. Vice-Mayor Clark asked for an update on this issue as the area was quickly deteriorating.

Mr. Peters indicated that he and Public Works/Capital Projects Director Bruce Bernard would have this issue resolved by the end of January.

DAVIE ELEMENTARY. Vice-Mayor Clark stated that the police presence had resolved many issues at the school, but she had received a call that police officers were no longer there. Chief George stated that he would speak with the supervisor for this area and resolve this concern.

MARTIN LUTHER KING DAY CELEBRATION. Vice-Mayor Clark was proud that this would be the third annual event. She encouraged all residents to attend as this was a townwide event.

AWARD RECEIVED. Vice-Mayor Clark announced that she received a community service award from the South Florida Human Rights Council and that she was an official member. She looked forward to serving the Town in this capacity.

UPCOMING ELECTION. Vice-Mayor Clark reported that she would not be running for re-election. She thanked the residents and Council for embracing her and encouraged everyone to keep moving forward.

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COUNCILMEMBER TRUEX

ORANGE DRIVE. Councilmember Truex referred to removing Orange Drive from the trafficways. He asked about a resident that built a fence to the roadway and wondered how this was allowed with the scenic corridor plan. Councilmember Paul advised that the scenic corridor only extended west to University Drive.

FERNCREST UTILITIES. Councilmember Truex asked about the status of the feasibility report. Utilities Director Daniel Colabella indicated that the report was almost ready.

EQUESTRIAN HELMETS. Councilmember Truex stated that many riders under 16 years old were not wearing helmets. He asked if the establishment where the children were riding could be fined. Councilmember Paul indicated that many of these riders were coming from their own homes. She advised that she was working on various programs that would educate children and parents about the need for safety helmets.

ANNEXATION. Councilmember Truex wanted to know what the Town's position was regarding the annexations. Mr. Willi indicated that the Town was not offering an opinion one way or the other.

Mayor Venis recollected that there were two factions within Pine Island Ridge and that Council's direction was that the local delegation should be informed that a straw ballot should be conducted in that community to determine a consensus. Mr. Willi stated that this was still being discussed.

PROHIBITION OF MOTOR BOATS. Councilmember Truex asked if this was being pursued. Councilmember Paul indicated that she had withdrawn her request after discussion with residents.

COUNCILMEMBER STARKEY

CONGRATULATIONS. Councilmember Starkey congratulated John Santulli of Nova Southeastern University for being elected as president of the Davie/Cooper City Chamber of Commerce. She congratulated other members of this organization for continuing to serve the community.

AIRPORT ADVISORY BOARD. Councilmember Starkey stated that the first meeting was scheduled for January 16th and encouraged residents to attend to learn more about this issue.

RELAY FOR LIFE. Councilmember Starkey reported that this event was scheduled for March 22nd-23rd at Pioneer Middle School.

TRAFFIC LIGHT UPDATE. Councilmember Starkey asked for an update on the traffic light on Pine Island Road and SW 36 Street. Mr. Peters indicated that the anticipated date was March 15th.

VICE-MAYOR CLARK. Councilmember Starkey stated that it was an honor to work with Vice-Mayor Clark and she looked forward to working with her in the future.

COUNCILMEMBER PAUL

CONGRATULATIONS. Councilmember Paul reported that Dr. Mark Strauss, assistant principal at Flamingo Elementary, is the new principal of Virginia Shuman Young Elementary School in Fort Lauderdale. She congratulated him and wished him well.

ORANGE BLOSSOM FESTIVAL/PARADE. Councilmember Paul stated that permits for the parade were available through the Town or through the Chamber of Commerce.

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SW 26 STREET. Councilmember Paul thanked the Police Department for responding to concerns with speeding issues in this area.

CHARITY HORSE SHOW. Councilmember Paul reported that she had been named Honorary Chair for this event, which was scheduled for March 23rd at the Bergeron Rodeo Arena. Proceeds would go to the E.A.S.E. foundation.

BRIDGE LIGHTING. Councilmember Paul referred to the lighting on the bridge across the C-11 canal just west of Flamingo Road and spoke of the dangers on this bridge. She stated that she would speak to the Mayor of Southwest Ranches about this issue and wanted staff to discuss the possibility of installing four low-level lights with Southwest Ranches. Councilmember Paul felt it would be beneficial for the two municipalities to agree on this issue to show FDOT a united front. She also felt that better reflectors should be posted on the bridge.

VICE-MAYOR CLARK. Councilmember Paul thanked Vice-Mayor Clark for her service and dedication to the Town.

Mayor Venis asked that staff contact FDOT to install reflectors on low cement barriers on eastbound I-595 east of University Drive.

GUARDRAIL. Councilmember Paul asked about the timeline for the guardrail on SW 42 Street. Mr. Willi indicated that there had been minimal activity on the part of the developer in this area.

5. TOWN ADMINISTRATOR'S COMMENTS (comments were provided at the end of the meeting)

CURRENT ISSUES. Mr. Willi spoke of his efforts to keep Council updated on current issues and explained that in the future, updates would be provided electronically.

ELECTIONS. Mr. Willi spoke of the memorandum from the Town Clerk's Office regarding alternativeS for Election Day.

WHITE & CASE. Mr. Willi stated that he had asked for Mr. Kiar's assistance with the waiver clause that was contained in the engagement letter from White & Case. He reported that Mr. Kiar's response was that this clause would have no affect on the Town at this time. Mr. Willi asked Council to consider the engagement letter at this time so that he could be paid for services he had already performed for the Town. Mr. Kiar indicated that it was conceivable that there could be a conflict of issue in the future.

Mayor Venis stated that Council had no objection as long as Council was apprised of any concerns or issues.

ANNEXATION WORKSHOP. Mr. Willi reported that there would be an annexation workshop at Broward Community College on January 18th. He stated that the Town's position was that United Ranches should make the choice of whether they want to come to the Town or not. He encouraged residents to attend.

Councilmember Starkey reported that the Broward League of Cities needed to take a position on the inter-local agreement between the School Board of Broward County and the Town. She summarized the position of the League of Cities, which was that the agreement should apply to the basis of the law and indicated that many municipalities were not going to

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sign off on the agreement. Councilmember Starkey stated that the committee wanted to go through the basic steps and then fine-tune it for final consensus after February 1st. She asked what Council's position was.

Councilmember Paul indicated that she had been following this issue and did not know if it was possible for Council to come to consensus without all of the information. Councilmember Starkey voiced her frustration with the fact that Council was not informed about this as she had been in contact with Mr. Willi's office regarding this issue. She had asked Mr. Kiar to provide an opinion and believed that Council was given his report.

The consensus of Council was to approve the committee's working out the basics for this issue and then they would make an informed opinion after February 1st.

6. TOWN ATTORNEY'S COMMENTS (comments were provided at the end of the meeting)

VICE-MAYOR CLARK. Mr. Kiar stated that it was his honor to serve Vice-Mayor Clark and expressed his sincere gratitude for her contributions to the Town.

CITRUS CANKER LITIGATION. Mr. Kiar provided an update on the Citrus Canker litigation. He advised that Broward County was appealing the opinion and the case would go to the Supreme Court.

7. CONSENT AGENDA

Minutes

- 7.1. November 6, 2002 - Regular Meeting
- 7.2. November 20, 2002 - Regular Meeting
- 7.3. December 4, 2002 - Regular Meeting
- 7.4. December 5, 2002 - Workshop Meeting
- 7.5. December 10, 2002 - Workshop Meeting

Home Occupational License

- 7.6. BC Productions, 10801 SW 40 Court

Resolutions

- 7.7. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN BROWARD ANCHOR INTERNATIONAL INCORPORATED, SPACE DEVELOPMENT LIMITED, ROLLING HILLS INTERNATIONAL CORPORATION, AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.**
(tabled from January 2, 2003)
- 7.8. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN SHURGARD STORAGE OF DAVIE AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**

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- 7.9. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE CONTRACT BETWEEN THE TOWN AND FORT LAUDERDALE HARLEY-DAVIDSON, INC. FOR LEASED POLICE MOTORCYCLES AND AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENTS.
- 7.10. **EMERGENCY PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE EMERGENCY PURCHASE OF SERVICES FOR REMOVAL OF TWO UNDERGROUND STORAGE TANKS. (Evans Environmental and Geosciences LLC - \$16,000)
- 7.11. **SIDEWALK FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THE METROPOLITAN PLANNING ORGANIZATION (MPO) AND FLORIDA DEPARTMENT OF TRANSPORTATION TO INCORPORATE FUNDING FOR SIDEWALK INSTALLATION WITHIN FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHTS-OF-WAY WITHIN THE TOWN.
- 7.12. **DECORATIVE LIGHTING FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THE METROPOLITAN PLANNING ORGANIZATION (MPO) AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO INCORPORATE FUNDING FOR DECORATIVE LIGHTING ALONG FLAMINGO ROAD FROM ORANGE DRIVE TO STATE ROAD 84 WITHIN FDOT RIGHTS-OF-WAY WITHIN TOWN LIMITS.
- 7.13. **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, ACCEPTANCE, AND IMPLEMENTATION OF AN \$82,000 GRANT FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND FOR EMERGENCY SHELTER SYSTEMS, A MOBILE STORAGE TRAILER, AND A TOW VEHICLE. (no matching funds required)
- 7.14. **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, ACCEPTANCE, AND IMPLEMENTATION OF A \$200,000 GRANT FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND FOR EMERGENCY GENERATORS AT THREE CRITICAL FACILITIES. (no matching funds required)

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- 7.15. **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, ACCEPTANCE AND IMPLEMENTATION OF A \$50,000 GRANT FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND FOR HURRICANE SHUTTERS FOR THE DAVIE EMERGENCY OPERATIONS CENTER AND AN AUTOMATED EMERGENCY NOTIFICATION SYSTEM (WITH \$13,875 CASH MATCH AND \$2,500 IN-KIND MATCH).
- 7.16. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR THE DAVIE ROAD BEAUTIFICATION PROJECT. (\$21,000 increase)
- 7.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE BROWARD COUNTY SUPERVISOR OF ELECTIONS AND THE TOWN OF DAVIE FOR THE PURPOSE OF ENGAGING POLL WORKERS FOR MUNICIPAL ELECTIONS.

Site Plan

- 7.18. SP 9-5-02, Rick Case Dealership, northeast corner of Weston Road and SW 36 Street (BP) *Site Plan Committee recommended approval subject to staff's comment number two in the planning report and that the entrance canopy be dropped two feet so that the top of it was level with the glass and to add one more glass panel to the left of it.*

Temporary Use Permit

- 7.19. TU 1-1-03, Nova Southeastern University

Later in the meeting, Mayor Venis requested that item 7.17 be removed from the Consent Agenda. Councilmember Starkey requested that item 7.7 be removed. Mr. Kiar requested that item 7.7 be removed.

Councilmember Truex made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 7.4, 7.7, and 7.17. In a voice vote, all voted in favor. (Motion carried 5-0)

7.4 Mr. Kiar stated that the minutes indicated that he had attended the December 5, 2002 meeting; however, special counsel Mike Burke who was in attendance.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve subject to that correction. In a voice vote, all voted in favor. (Motion carried 5-0)

7.7 Councilmember Starkey voiced her objection to not receiving relevant material from staff on this issue, although she agreed with staff's recommendation. Mr. Kutney indicated that staff placed the requested materials in Councilmember Starkey's office this morning.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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7.17 Mr. Willi explained that this was a standard agreement from the Supervisor of Elections Office, which stated that the Supervisor of Elections would assist the Town with the hiring of poll workers. He felt that there might be language in the agreement that was not acceptable and Council should discuss it.

Councilmember Starkey was opposed to agreeing that the Supervisor of Elections would not be held liable if anything went wrong with elections. She asked staff to revise the agreement to eliminate this proposal. Mr. Willi indicated that staff would not offer additional language, but would strike the passage Councilmember Starkey referred to. Town Clerk Muniz interpreted the indemnification agreement to refer to the hiring of the poll workers and not to the actual election.

Mr. Kiar clarified that the agreement indicated that if there were any errors on part of the pollworkers, the Supervisor of Elections would be indemnified. He suggested the Risk Manager Dan Lutzke should review this document.

Councilmember Truex asked if tabling this item would have negative ramifications. Town Clerk Muniz indicated that if the Supervisor of Elections was not in agreement with the deletion of this passage, the Town would be responsible for hiring the pollworkers. He stated that if the item were tabled until February 5, 2003, there might not be enough time to hire the 300 poll workers necessary.

Councilmember Starkey made a motion, to approve with the exception of the indemnification at this time. The motion died for lack of a second.

Vice-Mayor Clark added with the understanding and clarity that if it was not accepted, the Town would have to hire the pollworkers. She asked Mr. Willi if there was an alternative plan. Mr. Willi indicated that people would be hired and Town staff would also have to man the polls. Councilmember Paul felt this would shut down the Town.

Mayor Venis recommended not remitting monies to the Supervisor of Elections until the election was completed satisfactorily. He added that if the Town became responsible for "putting out fires" on Election day, the Town would deduct the man-hour costs from the monies owed. Town Clerk Muniz indicated that this was done in the past and the Supervisor of Elections Office did pay the Town costs.

Councilmember Paul felt the Town should encourage residents to vote regardless of the problems that were occurring.

Councilmember Truex felt the item should be approved and a contract regarding reimbursement to the Town for additional costs should be drawn up separately. Mr. Kiar felt that modifications regarding indemnification should be included with the agreement. Mr. Cohen opposed modifying this agreement as the Town was in no position to hire the necessary personnel for the upcoming election. He agreed with Mayor Venis that monies should not be paid until the election was completed satisfactorily and any costs to the Town should be deducted.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8. PUBLIC HEARING (these items were heard earlier in the meeting)
Ordinances - Second and Final Reading

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- 8.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-81A, ENTITLED "CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS;" AMENDING SECTION 12-287, ENTITLED "DEVELOPMENT STANDARDS"; PROVIDING FOR REVISED DEVELOPMENT STANDARDS IN THE A-1 ZONING DISTRICT; AMENDING SECTION 12-288, ENTITLED "INCENTIVES"; PROVIDING FOR ADDITIONAL INCENTIVES FOR CUSTOM HOMES; AND AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF A CUSTOM HOME; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting.

Michael Bartlett, 4301 SW 105 Avenue, indicated his opposition to this ordinance and spoke of how it would create a segregated community within a community. Councilmember Truex asked Mr. Bartlett if he was opposed to the setbacks as well as the incentives for developers. Mr. Bartlett replied that he was only concerned with the setbacks and guard gates.

Drew Gregg, 4221 SW 105 Avenue, thanked Council for responding to his correspondence regarding his neighborhood and for visiting. He opposed this ordinance and wanted to see a unified community rather than a gated community. Mr. Gregg stated that this ordinance did not only compromise SW 105 Avenue, but also the entire rural lifestyle initiative.

Pete Dunne, 4350 SW 105 Avenue, felt that the community was not opposed to growth, but objected to creating a separate community within an existing community. He cited the petitioner's website, which indicated that the community was a "private enclave" and not part of the community at large.

Brian Skelly, 4475 SW 105 Avenue, opposed this ordinance and agreed with his neighbor's concerns. He was not opposed to new neighbors, but was opposed to a gated community. Mr. Skelly felt the developer should include the existing community in their plans.

Mary Gregg, 4221 SW 105 Avenue, supported the views of her neighbors and spoke about the aesthetic qualities of her neighborhood and how they should be maintained. She asked Council to reconsider Julie Aitkens' points regarding preserving the rural lifestyle in the Town. Ms. Gregg felt the development of the property in question should follow the established pattern of open streets that already existed.

Kenneth Coombs, 4250 SW 105 Avenue, opposed this ordinance as he felt it was in conflict with the rural lifestyle initiative. He added that this development would compromise the integrity of this neighborhood.

Don Cronin, 4471 SW 105 Avenue, spoke of the past history of this community and felt it would be a "catastrophe" if this ordinance was approved.

Judy Chmielarz, 4470 SW 105 Avenue, spoke of her concerns with the safety of her six-year-old child and was opposed to this ordinance.

Bozena Sierocinski, 10485 SW 44 Court, opposed the ordinance.

Anne Quinn, 4351 SW 105 Avenue, opposed the ordinance.

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Jane Wynn, 4210 SW 105 Avenue, felt this ordinance would change the atmosphere of this neighborhood and was opposed to this ordinance.

Al Clark indicated that he did not like gates and was opposed to this ordinance.

Mary Coombs, 4250 SW 105 Avenue, agreed with her neighbors and indicated that all homeowners in her neighborhood were opposed to this ordinance.

Frank Conner 4251 SW 105 Avenue thanked Council for considering the views of his neighbors and was opposed to this ordinance.

Cathy McDonald, 4370 SW 105 Avenue, was opposed to this ordinance.

Mayor Venis closed the public hearing.

Barbara Hall, representing the petitioner, indicated that she had met with the residents on this issue. She felt that the amendment to the ordinance enhanced the provisions of the ordinance and gave Council more of what they asked for in exchange for points. Ms. Hall was concerned about stopping the dialogue with the residents regarding the gate. She spoke of the advantages of the gate, including traffic calming, and stated that the intention was not to separate the communities. Ms. Hall hoped there could be further conversation regarding some type of gate for this community.

Bill Laystrom offered to answer any questions of Council regarding other modifications of the ordinance.

Mayor Venis compared this issue to that of the Laurel Oaks community in years past. He felt that this was a glitch in the ordinance and correction had to be made. Mayor Venis indicated that he was not in favor of supporting a gated community at the end of SW 105 Avenue.

Councilmember Truex felt that any gated community that did not exit on a main artery should be rejected.

Mayor Venis asked Mr. Kutney how he proposed correcting this problem. Mr. Kutney spoke of the incentive program and indicated that staff would look into adding additional guidelines that would prohibit gated communities that did not exit onto main arteries and that were not within other communities.

Councilmember Paul was thankful that Council had a "change of heart" on this item. She felt that the connectivity issue was important to consider in this matter.

Councilmember Paul made a motion, seconded by Councilmember Truex, to approve 12-81A and 12-287. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to deny 12-288 and 12-503. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

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- 8.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Shot Gun East/GL Homes, 4201 SW 154 Avenue) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve.

There was discussion regarding the deed restriction modifications that were made, which indicated that the property would revert back to A-1 zoning if the Broward County School District did not utilize the property.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and Final Reading to be held February 5, 2003)

- 8.3. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34, ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 20, 2002)

Mayor Venis advised that the second and final reading would be held at the February 5, 2003 Council meeting. Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting.

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Bill Laystrom, representing Rick Case, indicated that this ordinance would affect some of his client's operations and asked Council to table this item to provide him the opportunity to review the ordinance.

Mayor Venis closed the public hearing.

Councilmember Paul asked whether this ordinance would affect current businesses. She wanted to ensure that an existing shop that wanted to expand would be allowed to do so as long as they met the expansion criteria. Mr. Kutney explained that expansions needed a special permit. He also indicated that existing businesses in B-3 zoning would be allowed to expand, but those in B-1 and B-2 zoning would not.

Councilmember Truex asked about Section 1 and the Table of Uses and the deletions that were made, but not replaced. Mr. Kutney explained that everything was converged into "vehicle sales." He stated that clarification language would be added. Planner Marcie Nolan stated that staff was trying to eliminate secondary uses that could become problematic in the future.

Jim Napir indicated that he was interested in opening a boat motor repair business, but opposed this ordinance, as it would not allow him to open this type of business. He also asked Council to table this item.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table to February 5, 2003. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

8.4. CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 88-70 BY AMENDING CHAPTER 2 ARTICLE VII, SECTION 2-316 AND 2-317 OF THE TOWN OF DAVIE'S PURCHASING PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that the second and final reading would be at the February 5, 2003 Council meeting.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Quasi Judicial Item

8.5. VARIANCE - V 10-1-02, Hernandez, 1301 Bristol Avenue (to reduce the required minimum side yard on the south side from 25 feet to 15.5 feet in order to allow the construction of an addition to the dwelling) (tabled from January 2, 2003)
Planning and Zoning Board recommended approval

Mayor Venis swore in the witnesses. Planning and Zoning Manager Fernando Leiva summarized the planning report:

Mayor Venis opened public hearing.

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Robert Hernandez, the petitioner, thanked Council for supporting this petition.

Mayor Venis closed the public hearing.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Items to be tabled

8.6. STAFF REQUESTING A TABLING TO FEBRUARY 19, 2003

ZB 12-3-02, Town of Davie, 14501 Orange Drive (A-1)

This item was tabled earlier in the meeting.

8.7. STAFF REQUESTING A TABLING TO FEBRUARY 19, 2003

ZB 12-4-02, Town of Davie, 14901 Orange Drive (A-1)

This item was tabled earlier in the meeting.

9. APPOINTMENTS

9.1. Airport Advisory Board (one exclusive appointment - Vice-Mayor Clark; term expires December 2003)

Vice-Mayor Clark appointed Arnetta Davis.

9.2. Child Safety Board (one exclusive appointment - Councilmember Starkey; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Appointments were deferred.

9.3. Open Space Advisory Committee (one exclusive appointment - Councilmember Starkey and Mayor Venis; terms expire April 2004)

Appointments were deferred.

9.4. Parks and Recreation Advisory Board Agency (one exclusive appointment - Vice-Mayor Clark and Councilmember Paul; terms expire April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Appointments were deferred.

9.5. School Advisory Board (one exclusive appointment - Vice-Mayor Clark and Councilmember Paul; terms expire April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

Appointments were deferred.

Mayor Venis indicated that Wayne Arnold resigned from the Community Redevelopment Agency.

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Mayor Venis made a motion, seconded by Councilmember Paul, to appoint Amy Rose for this board. In a voice vote, all voted in favor. (Motion carried 5-0)

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10. OLD BUSINESS

10.1. Funding for Area Agency on Aging (this item was heard earlier in the meeting)

Assistant Town Administrator Ken Cohen referred to the information that had been distributed to Council, which included updated information regarding this issue.

Councilmember Paul asked what the financial impact would be and how this program would be funded. Mr. Cohen stated that funds could be moved to support this program and it would have no detrimental impact on the budget.

Councilmember Truex made a motion, seconded by Councilmember Paul, to fund the balance that the Area Agency on Aging was asking for. In a voice vote, all voted in favor. (Motion carried 5-0)

11. NEW BUSINESS

11.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, FORMALLY ADOPTING THE TOWN OF DAVIE'S AND THE PINE ISLAND RIDGE COMMUNITY'S DISCUSSION POINTS ON ANNEXATION.

Councilmember Truex asked Mr. Willi to confirm that the annexation of Pine Island Ridge to the Town would not afford residents there any special privileges. Mr. Willi replied affirmatively. Police Chief John George also confirmed that the same municipal services would be provided for this area as for the rest of the Town.

Councilmember Truex referred to eminent domain and asked if Pine Island Ridge would be grandfathered in. Mr. Willi responded that it would not. He stated that this issue was clearly discussed with Pine Island Ridge and it would be clarified in the resolution.

Councilmember Starkey asked what the Town's position was on adding to Council seats for the 10,000 people of Pine Island Ridge. Mr. Kiar indicated that this would necessitate a Charter amendment. Mr. Willi indicated that there was a possibility of the area being split with redistricting.

Councilmember Truex asked if an impact study was being prepared. Mr. Willi replied affirmatively.

Councilmember Starkey felt the current residents and the residents of Pine Island Ridge should be surveyed to see what their feelings were about this annexation. Mr. Willi indicated that this was going to be done.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion 5-0)

11.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN CARLOS ANGULO AND THE TOWN OF DAVIE AND AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE TO SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the resolution by title.

Mayor Venis asked if anyone wished to speak on this issue.

Fran Curry, 11520 SW 27 Street, indicated that developers were coming into the Town and changing the rules by which a development could be developed. He felt that developers

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were being given special compensations that they did not deserve and that compromised the integrity of the future of the Town.

Mark Gabrielson, 15095 SW 27 Street, agreed with Mr. Curry and felt it was the developers' responsibility to design a development that did not burden the surrounding community. He also felt that the Town was chasing away equestrians.

Tom Nunn, 15100 SW 27 Court, stated that he attended a meeting where he and his neighbors were told one thing, but the developer did something different. He opposed the resolution and felt that the Town was accommodating developers rather than the residents and the residents were paying the price of development. Mr. Nunn also spoke of drainage issues in the area.

Carlos Angulo, the owner of the property in question, indicated that when he applied for a building permit, he had received a letter from the Broward County Planning Council that indicated he did not need to plat the land. He advised that he had complied with all requirements asked of him. Mr. Angulo stated that staff had conditioned his CO to give up 25 feet and 20 feet on two sides of his property, and therefore he was not in compliance because he no longer had a builder's acre. He indicated that he had sold the property, but could not close because he was required to sign an affidavit to comply with the conditions of the CO. Mr. Angulo felt the Town was in error and they should issue his CO and look for easement alternatives for the developer adjacent to his property.

Vice-Mayor Clark asked for clarification from staff. Larry Peters, Town Engineer, explained that Mr. Angulo's building permit was issued in error because the information submitted was incorrect. He indicated that Mr. Angulo had submitted an application for a two and one-half acre parcel with one house. Mr. Peters stated that the Land Development Code permitted one house per acre and this had nothing to do with the Building Code. He stated that there were three pads on the two and one-half acres which did not comply with the Town's Code.

Mayor Venis did not agree that the Town was in error because Mr. Angulo gave erroneous information.

Mr. Peters indicated that Mr. Angulo was not being mistreated and indicated that when the adjacent development came to plat, Mr. Angulo would have to give additional rights-of-way. He stated that Mr. Angulo and the prospective buyer agreed to the conditions set forth by staff. Mr. Peters clarified that the goal of staff was to provide connectivity and this was why the setbacks were being taken.

Mayor Venis closed public hearing.

Councilmember Paul indicated that she brought her concerns for this area to staff's attention several times. She felt that staff needed to address the possibility of developers who were buying land and then selling it for quick cash without representing the true aspects of the property. Councilmember Paul stated that she was concerned from the beginning about the number of pads that were on the property in question. She felt that it was not fair for Council to make a decision at this time because there was not enough information. Councilmember Paul added that the developer who sold the property to Mr. Angulo should address Council regarding this issue.

Councilmember Truex felt that approval of the resolution would be awarding the misdeeds of the developer.

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Mr. Kiar referred to the document Mr. Angulo and his prospective buyer had signed and asked how the developer could be bound by this agreement with the Town. Mr. Peters stated that the developer, who had the remaining portion of the two and one-half acres, was platting the property because the second house was being built which required platting of the entire parcel. He reiterated that there were three pads with three folio numbers, but there would not be three houses built on the property. Mr. Peters clarified that Mr. Angulo's property was not in compliance because the developer sold him one acre and Mr. Angulo had to give up 25 feet and 20 feet of setbacks and would no longer meet the requirement of a builder's acre. Mr. Peters stated that the Town had no vehicle by which to go after the developer for cheating Mr. Angulo. He agreed that Mr. Angulo could take civil action, but Mr. Angulo wanted to sell the house and move on. Mr. Peters also clarified that there was only a possibility that the setbacks would be taken.

Councilmember Truex felt this item should be tabled for a few weeks so that it could be further investigated. Mr. Willi opined that if Council took no action, it would help Mr. Angulo in his lawsuit against the developer who sold him the property.

Councilmember Paul made a motion, seconded by Councilmember Truex, to table to February 5, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis asked Mr. Kiar to contact the developer to try to negotiate a shift so that the remaining one and one-half acre would bear the burden of the proposed setbacks.

Mayor Venis reported that he would be meeting with Senator Ryan on January 16th and wanted to know if there was any information Mr. Willi wanted him to bring to the meeting. Mr. Willi stated that the appropriations paperwork was filed for the exit ramp near the Nob Hill Road Police Department.

Council congratulated Vice-Mayor Clark for receiving an award from the South Florida Human Rights Council.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 11:32 p.m.

Approved _____

Mayor/Councilmember

Town Clerk